



Paper No. 4

Thomas Kayden Horstemeyer & Risley  
100 Galleria Parkway, Suite 1750  
Atlanta, GA 30339-5948

**COPY MAILED**

**JAN 24 2002**

In re Application of  
Roman et al.  
Application No. 09/904,350  
Filed: July 12, 2001  
For: Patient Qualifying and Selection Process

: **OFFICE OF PETITIONS**  
:  
: **DECISION GRANTING**  
: **PETITION**  
:

This is a decision on the petition filed September 10, 2001, requesting that nine sheets of drawings be entered into the application and that the application be accorded a filing date of July 12, 2001.

The petition is granted.

The application was deposited on July 12, 2001. On August 30, 2001, the Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating that the application was deposited without drawings and that the filing date would be the date of receipt of the missing items.

In response, on September 10, 2001, the present petition was filed. Petitioner asserts that nine sheets of drawings containing Figures 1-4, 5A-5C, and 6A-6B were in fact submitted with the application on July 12, 2001. In support of this assertion, petitioner has submitted a copy of a stamped return post card which acknowledges receipt by the PTO on July 12, 2001 of nine sheets of drawings. Additionally, petitioner has submitted a copy of the drawings asserted to have been filed with the application on July 12, 2001.

MPEP 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." In view of the acknowledged receipt of the nine sheets of drawings, the drawings indicated by the PTO as having been missing will be accepted as having been present on filing. Accordingly, the Notice mailed August 30, 2001 is vacated.

In view of the above, the \$130 petition fee will be credited to petitioner's deposit account, as authorized.

This application file is being forwarded to the Office of Initial Patent Examination Division for processing with a filing date of July 12, 2001, using the drawings received on September 10, 2001 and with an indication that nine sheets of

drawings of Figures 1-4, 5A-5C and 6A-6B were present on filing. Additionally, a corrected Filing Receipt will be mailed in due course.

Telephone inquiries concerning this matter may be directed to Latrice Bond at (703) 308-6911.



Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy